

DIST/OFFICE	YR.	NUMBER	MO.	DAY	YEAR	J	N/S	O	R	23	\$	OTHER	NUMBER	DEM.	YR.	NUMBER
1085/4	76	0025	01	26	76	3	370	1	1:1		7		8509	P	76	0025-B

PLAINTIFFS

MOONEY, GARY

DEFENDANTS

BUCK MYERS

d/b/a BUCK MYERS MOTOR COMPANY

Third Party Defts.

~~JOPLIN AUTO AUCTION CO., INC.;~~

~~RICHARD ABEL;~~

~~DEALERS' AUTO AUCTION, INC.; and~~

~~DOENGES BROS. FORD, INC.~~

CAUSE

15 USCA Section 1989

Failure to provide odometer statement.

ATTORNEYS

Robert L. Mason
704 Beacon Building
Tulsa, Oklahoma 74103

583-1104

Harry A. Lentz, Jr. (Buck Myers)
Fourth National Bank Bldg.
Tulsa, Oklahoma 74119
582-3191

W. E. Maddux (Richard Abel)
P. O. Box 349
Nowata, Okla. 74048
918-273-2020

Larry D. Leonard (Doenges Bros Ford)
300 Petroleum Club Bldg.
Tulsa, OK 74119 585-2751

George Hooper (Joplin & Dealers'
217 W. 5th St. Auction)
Suite 100
Tulsa, OK 74103 582-3222

☐ CHECK
HERE
IF CASE WAS
FILED IN
FORMA
PAUPERIS

FILING FEES PAID

DATE

RECEIPT NUMBER

C.D. NUMBER

STATISTICAL CARDS

CARD DATE MAILED

JS-5 2-1-76

JS-6 10-1-77

DATE 1976	NR.	PROCEEDINGS
1-26	1.	Complaint filed w/JURY DEMAND, and summons issued. v
2-3		Return on USM service, summons and compl., filed. Served Buck Myers d/b/a Buck Myers Motor Co., on 1-29-76, at Tulsa, OK, w/ fees of \$5.88. k
2-13	2.	Appl. for Addtl. Time within which to Plead or Ans., filed. jj
2-13	3.	Order, filed, granting addtl. 15 days (3-4-76) to Plead or Ans. (JCS-Clk) jj
3-4	4.	Deft's motion to dismiss complaint for failure to state a claim upon which relief can be granted, filed. hm
3-4	5.	Brief in support of mo/dismiss, filed. hm
3-4	MO:	Pltf. directed to file resp. brief within 10 days to mo/dismiss. (AEB-J)hm
3-10	6.	Pltf's response brief to deft's motion to dismiss, filed. ph
3-15	7.	Reply brief of def. to pltf. response brief, filed. rm
3-19	MO	Case referred to Mag. Morris L. Bradford for F&R on deft's mot. to dismiss compl and response thereto. (AEB-J)k
4-1	8	Joint Application to use Clerk as Depository, filed. t O-J
4-12	MO	The Court has for consideration the Joint Appl. to use Clerk as Depository, and, being fully advised in the premises, finds said mot. should be granted. IT IS, THEREFORE, ORDERED that pltf. may deposit his note payments to the Court Clerk pending the outcome of this litigation. (AEB-J)k cps mld
4-16	MO	Case set for hrg. on deft's mot. to dismiss before Mag. on 5-12-76 at 2:30 p.m. (MLB-Mag)k ntc by KT
5-12	MO	Case called for hrg. before Mag. on deft's mot. to dismiss. Parties present. Mag. finds that mot. should be sustained. Def. counsel to prepare F&R and proposed Order within 7 days. (MLB-Mag)k
5-19	9.	Magistrate's Findings and Recommendations, filed. Mag. recommends that deft's mot. to dismiss complaint for failure to state a claim upon which relief may be granted be sustained and that the pltf. be given 20 days to make any amendments to Compl. he deems necessary. (MLB-Mag)k cps mld
6-3	10.	Order, filed, that mo/dismiss of def. is sustained and the pltf. given 20 days to make any amendments to complt. (AEB-J)rm - copies mailed
6-3	11.	Amended Complaint, filed. rm (copies mailed w/order)
6-23	12.	Deft's mo/dismiss complaint & cause of action for failure to state a claim upon which relief can be granted, filed. hm
6-23	13.	Brief in support of mo/dismiss, filed. hm
6-24	MO:	Pltf. directed to file a response within 10 days to the deft's mo/dismiss, etc. (AEB-J)hm
7-1	14.	Pltf's response brief to mo/dismiss, filed. hm
9-22	15.	Order, filed, that motion to dismiss filed by deft. is overruled; further ordered that deft. file its ans. to amended complaint within 15 days from this date. (AEB-J)ph cps mld
10-7	16.	Deft's ans. to amended complaint, filed. ph
10-18	MO:	Parties are directed to hold PT conf. on or before 11-29-76 & file PT Order on or before 12-6-76. (AEB-J)k cps by cert ml

PLAINTIFF		DEFENDANT	DOCKET NO. _____
Gary Mooney		Buck Myers	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1976			
11-19	17.	Deft. Buck Myers's motion to stay order of pretrial conference, filed.s	
11-19	18.	Deft. Buck Myers's motion to bring in third party defendants, filed.s	
11-19	MO	It is ordered by the Court that the Plaintiffs file a responsive brief within 10 days to deft. Buck Myers's motion to bring in third party defendants.s (AEB-J) cps. mld.	
11-22	19.	Deft. and 3rd party pltf's application to obtain service by certified mail, filed.s O to J	
11-23	20	Order, filed, that third party pltf. Buck Myers is allowed to obtain service on the third party defts. Joplin Automobile Auction Co. Inc., Dealers' Auto Auction, Inc., and Doenges Bros. Ford. Inc. by certified mail.s (AEB-J) cps. mld.	
11-23	21	Order, filed, that the deft. is allowed to bring in as third party defts. Joplin Automobile Auction Company, Inc., Richard Abel, Dealers' Auto Auction, Inc., and Doenges Bros. Ford, Inc. and that they be allowed to file a Third Party Complaint and that summons be issued to the new parties in the above entitled cause .s (AEB-J) cps. mld.	
11-23	22	Order, filed, staying order requiring pretrial conference and submission of pretrial order by 12-6-76 until further order of this Court.s (AEB-J) cps. mld.	
12-3	23.	Third Party Complaint, fld. Joplin Auto. Auction Co., Inc., Richard Abel, Dealers' Auto Auction, Inc., Doenges Bros. Ford, Inc. -added as third party defts. v -summons issued.	
12-8		Summons, ret. & filed: served Richard Abel, Nowata on 12-8-76. (USM \$16.20)g	
12-21	24.	Deft. and Third Party Pltf. Buck Myers d/b/a Buck Mers Motor Co. Certificate of service. Doenges Bros. Ford., Inc. served on 12-7-76 at Okla. City; Joplin Automobile Auction, Inc. served at Joplin, Mo.; and Jerome W. Byrd served on 12-13-76 at Okla. City, filed.s	
12-23	25.	Appl. of 3rd party def., Doenges Bros, for ext. of time to answer 3rd party complaint, filed. rm	
12-23	26.	Order, filed, granting def., Doenges Bros. add. 15 days to answer 3rd party complaint. (JCS-Clk)jj	
12-28	27.	Appl. of def. Richard Abel, for ext. of time to ans. 3rd party complaint, filed. rm	
12-30	28	Order, filed, granting deft. Richard Abel 15 days from 12-26-76 to plead or answer to third party complaint. (AEB-J)g cp mld.	
1977			
1-3	29.	Third party defts. Joplin Auto. Auction Co., Inc. and Dealers' Auto Auction, INC.'s application for additional time within which to plead or answer, filed.s	
1-3	30.	Order, filed, granting third party defts. until 1-18-77 to plead or ans.s (AEB-J) cps. mld. by atty.	
1-10	31.	Answer of deft. Richard Abel to third party compl. of Buck Myers, fld.	
1-10	32.	Ans. of 3rd Party Deft., Doenges Bros. Ford, Inc., fld. v	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE 1977	NR.	PROCEEDINGS	
1-19	33.	Answer of defts. Joplin Auto. Auction Co. & Dealers' Auto Auction to third party compl. of deft. Buck Myers, filed.k	
4-1	MO	Parties are directed to hold a PT conference on or before 5-13-77 and file an agreed PTO on or before 5-20-77. (AEB-J)k cps mld	
4-14	34	Deft. & Third Party Pltf. Buck Myers d/b/a Buck Myers Motor Co. appl. for dismissal with prejudice with brief in support. fld. ho	
4-14	MO	It is ordered by the Ct. that the Third Party Deft. file a responsive brief w/in 10 days to Deft. appl. for dismissal with prejudice. (AEB-J) cps mld. ho	
4-21	35.	Deft. Doenges' objection to deft. Myers' appl. for dismissal w/ prejudice and appl. for atty. fees & costs, filed.k	
4-21	36.	Brief in support of deft. Doenges' obj. to deft. Myers' appl. for dismissal with prejudice and appl. for atty fees & costs, filed.k	
5-3	37	Stipulation of dismissal of third party compl. as to Joplin Auto. Auction Co., Inc. & Dealers Auto Auction. fld. & entered. ho	
5-11	38.	Order, filed & entered, that deft. Myers' appl. for dismissal with prejudice as to third party deft. Doenges Bros. Ford is granted, conditioned upon Myers depositing with the Court Clerk, for payment to Doenges, the sum of \$132.00. If said sum is not paid w/in 15 days, this dismissal will not be operative. (AEB-J)k cps mld	
5-19	39	Deft. & Third Party Pltf, mot. for continuance of PT conference. fld 0 to J. ho	
5-24	40	Order, fld. granting Deft. & Third Party Pltf., a continuance of PT conference until 7-8-77 further the PTO should be fld. w/in that time (AEB-J) cps mld. ho	
6-7	41	Third Party Deft., Doenges Bros. Ford, Inc., appl. for order to pay out funds. fld. ho 0 to J.	
6-8	42.	Order, filed, directing Clerk to disburse \$132.00 to Doenges Bros. Ford. (AEB-J)k cps & chk mld	
7-11	43	Deft. & third party Pltf. mot. for continuance of PT conference. fld. ho 0 to J.	
7-13	MO	The Ct. has for consideration the mot. of the Pltf. and 3rd party Deft. for a continuance of PT conference, and, being fully advised in the premises, finds that said mot. should be sustained. IT IS ORDERED that the mot. of the Pltf. and 3rd party Deft. for continuance of PT conference be and the same is hereby sustained and the PT conference is continued until 7-18-77 at which time the parties are ordered to file an agreed PTO. (AEB-J) cps mld. ho	
8-1	44	Pre-Trial order fld. (AEB-J) cps mld. ho	
8-10	MO:	Case set for jury trial on 9-12-77, at 9:30 A.M. (AEB-J)b nts cert w/affid.	
9-6	MO:	Case is stricken from docket of 9-12-77, pending settlement. Papers to be in by 9-9-77 or 9-12-77. (AEB-J)b nts by MC	
9-9	45.	Pltf's appl. for dismissal with prejudice, filed.k 0 to J	
9-9	46.	Joint appl. to pay out funds, filed.k 0 to J	
9-12	47.	Order, filed, dismissing pltf's cause of action and compl. with prejudice and dismissing deft. Buck Myers' third party compl. against deft. Abel. Order entered. (AEB-J)k cps mld	
9-12	48.	Order, filed, directing Clerk to disburse \$1,170.00 to pltf. from registry funds. (AEB-J)k cps & check mld	